IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1530 OF 2005

M/s Ruby Coach Builders Ltd .. Petitioner

vs

Prabhakar D.Ghumkar .. Respondent

Mr Aditya Chitale for Petitioner

Mr R.D.Bhat for Respondent

CORAM : D.G. KARNIK, J

DATE: 14TH JUNE, 2005

P.C.

1. Heard learned counsel for the parties. By this petition the petitioner challenges the judgment and order dated 2nd June, 2003 passed by the learned Member of the Industrial Court rejecting the revision application filed by the petitioner. The respondent was an employee and his services were terminated on account of his resignation. Within a month of submitting of the alleged resignation the respondent filed a complaint of unfair labour practice averring that the resignation was obtained by force and coercion. The trial court recorded a finding of fact

holding that the resignation of the respondent was obtained by force and coercion. This finding is clearly a finding of fact. In a revision application the Industrial Tribunal did not find any perversity in this finding of fact and therefore dismissed the complaint. In the exercise of writ jurisdiction it is not possible to examine the correctness of the findings of the facts recorded by the labour court. After hearing the learned counsel for the petitioner, I am satisfied that there is no perversity in the finding of fact recorded by the Labour Court. In the circumstances, writ petition is rejected summarily.

D.G KARNIK,,J